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Equity and the Origins of Renaissance Historicism: The Case for Erasmus

Kathy Eden

INTRODUCTION

In his effort to fashion a Christian prince in the *Institutio principis Christiani*, Erasmus, always the pedagogue, considers not only what the young ruler should read but how he should read it—that is, according to what interpretive method. The principal text on this reading list is the Bible, which, depending on the specific passage in question, bears reading in one of two ways: either allegorically or in the particularized light of a different time and place, what Erasmus refers to here as *pro ratione temporis*—after the standards of the time.¹ While Erasmus does not on this occasion explain the similarities and differences between these two methods, elsewhere in his writings he elaborates upon their proper use and, especially in the case of allegory, their excesses.² This essay, however, undertakes to explore only one of these two methods: interpretation *pro ratione temporis*, or what I have called Erasmian *historicism*.³ More precisely, I intend to show that, on the one hand, Erasmus distances this method from a rigid literalism that attends only to the words themselves, while, on the other hand, he identifies it repeatedly with the legal and

1. ASD, IV-I, 182; CWE, 27, 252.

For the works of Erasmus I have used *Opera omnia Desiderii Erasmi Roterodami* (Amsterdam: Elsevier Science Publishers, 1969-), cited here and hereafter as ASD; *Collected Works of Erasmus* (Toronto: University of Toronto Press, 1974-), cited here and hereafter as CWE; *Desiderii Erasmi Roterodami opera omnia*, ed. J. Leclerc (Leiden, 1703-06), cited hereafter as LB; *Ausgewählte Werke*, ed. Hajo Holborn (Munich: C.H. Beck'sche Verlagsbuchhandlung, 1933), cited hereafter as Holborn. Unless otherwise indicated, all English translations of Erasmus within the text are the author's own.

2. See on this matter my "Rhetoric in the Hermeneutics of Erasmus' Later Works," *Erasmus of Rotterdam Society Yearbook* 11 (1991): 88-104.

3. While *historicism* is not by any account an Erasmian formulation, it approximates better than any other single term the method Erasmus advocates for reconstructing historical meaning or reading *pro ratione temporis*. On the vexed history of the term *historicism* see, e.g., Dwight E. Lee and Robert N. Beck, "The Meaning of Historicism," *American Historical Review* 39 (1953-54): 568-77; and Calvin G. Rand, "Two Meanings of Historicism in the Writings of Dilthey, Troeltsch, and Meinecke," *Journal of the History of Ideas* 25 (1964): 503-18; and more recently, Hayden White, "Historicism, History, and the Figurative Imagination," in *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore: Johns Hopkins University Press, 1978), 101-20. For a critique of historicism, see Hans-Georg Gadamer, *Wahrheit und Methode* (Tübingen: C.B. Mohr, 1960), in *English Truth and Method*, trans. Joel Weinsheimer and Donald G. Marshall (New York: Crossroads, 1992).

rhetorical concept of equity. By doing so, he forges a method of interpretation that sets out to accomplish two seemingly contradictory tasks: it aims not only to preserve the original meaning of a text (as allegorical interpretation, according to its critics, fails to do) but also to accommodate a continually changing community of interpreters (as allegorical interpretation characteristically does). To fashion such a method, Erasmus looks back to the ancient rhetorical tradition, and more particularly, to its strategies of forensic debate. In keeping with these agonistic origins, moreover, Erasmian historicism serves as a powerful instrument of dissent.

I. HISTORICISM VERSUS LITERALISM

On more than one occasion, practical controversy motivates Erasmus's theorizing. In one especially pertinent case, the controversial issue is divorce. Favoring divorce under certain circumstances, Erasmus dissents from over a thousand years of Church doctrine,⁴ and, somewhat unexpectedly, claims support for his position in an interpretation of Paul. More important for present purposes, however, Erasmus not only justifies his dissent on the basis of an interpretation of a crucial Pauline passage, but in his annotation on this passage he provides a strikingly clear statement of his interpretive method.

In our effort to understand what Paul actually meant when he said that "a wife is bound to her husband as long as he lives" (1 Cor. 7:39 ff.), Erasmus advises us to reconstruct the passage's particular historical circumstances by asking such questions as when it was written, to whom, and on what occasion (*quando, quibus, qua occasione*).⁵ These questions, or some variation on them, form the basis of historical understanding not only here but throughout Erasmus's later discussions of interpretation. So, for instance, in a central passage in the *Ratio*, a manual of interpretation intended to accompany his edition of the New Testament, Erasmus recommends asking "who is speaking, to whom, when, on what occasion, with what words and in what frame of mind" (*a quo dicatur, cui dicatur, quo tempore, qua occasione, quibus verbis, quo animo*).⁶ It is not incidental that the same questions that provide the exegete with a first rule of interpretation also provide the rhetorician with a first rule of composition, namely, decorum. In composing a persuasive speech, according to every authority in the rhetorical tradition including Erasmus, the orator must above all else meet the demands of decorum by accommodating her or his speech to the particularities of the case: time, place, occasion, the

4. See Emile V. Telle, *Erasmus de Rotterdam et Le Septième Sacrement* (Geneva: Librairie E. Droz, 1954), 205-31; and John B. Payne, *Erasmus: His Theology of the Sacraments* (Richmond: John Knox Press, 1970), 121-25.

5. *Annotationes*, LB, VI, 695F.

6. *Ratio*, Holborn, 285-86.

character of the speaker, and the nature of the audience.⁷

Furthermore, as Erasmus clarifies in the annotation on Paul as well as in his various manuals of biblical interpretation, the aim of asking these questions is the reconstruction of *germana sententia* or *germanus sensus*, the original, historical meaning. But this historical meaning is not identical with the literal meaning of the text in the sense of what the words themselves say. Erasmus, in other words, does not simply equate the speaker's meaning with what the words mean.

For Erasmus, to understand a passage of Scripture properly is to understand not what the words mean or even what they meant when spoken, but what the person who spoke them intended.⁸ To adhere rigidly to the signification, even the historically grounded signification, of the words is to practice a literalism characteristic in Erasmus's mind of the so-called "Judaizing" interpreters. In their rigid adherence to the words of Scripture, as Erasmus claims in the *Ecclesiastes*, these Judaizers not only reject all attempts at historical reconstruction, but they actually justify their position on the grounds of a misinterpretation—that is, a rigidly literal interpretation of Moses' words at Deuteronomy 4:2:

Moreover, they distort what is written in Deuteronomy and Revelation—"Add nothing to my words and take nothing away"—to mean that it is wicked when editing the Old Testament to consult the Hebrew sources or Greek translations, or in the New Testament, to search from Greek codices either a better reading or a more original meaning (*sensum magis germanum*), although the Scriptural passage in question means something entirely different; indeed whoever collates passages and uses the ancient languages to establish the original meaning fulfills Moses' order. On the contrary, whoever from the words of Scripture wrongly understood interprets one thing for something else, takes away not the words (*verba*), but what is worse, the very intention (*ipsam mentem*) of Scripture, and substitutes what Scripture does not acknowledge.⁹

To interpret Moses' proscription in Judaizing fashion as evidence against the reconstructionist enterprise is, Erasmus maintains, to preserve Moses' words, his *verba*, at the expense of his intention, here *mens*.¹⁰ In

7. In the *Ciceronianus*, Erasmus's Bulephorus puts it as follows: "Whence is true propriety? Is it not partly from the subject, partly from the character of the speaker and listener, partly from place, time, and other circumstances?" *Ciceronianus*, trans. Izora Scott (New York: Teachers College, 1910), 58.

8. In terms of Paul Brest's well known distinctions between the textualist and the intentionalist, Erasmus is an intentionalist. See Paul Brest, "The Misconceived Quest for Original Understanding," *Boston University Law Review* 60 (1980): 204-38.

9. *Ecclesiastes*, LB, V, 1027F.

10. During the discussion at the symposium where this paper was presented, Professor Thomas Greene astutely pointed out that in this passage in particular Erasmus refers to the *mens* and *verba* of *Scriptura* rather than of the *scriptor*, introducing—to return to Brest's terms—at least the possibility of a textualist rather than an intentionalist position. Brest does, in fact, suggest the practical compatibility of the *moderate* textualist and the *moderate* intentionalist reading. Brest,

so arguing, Erasmus fights Scripture with Scripture, accusing the literalists of interpreting *ad litteram*—in Paul's words, after the letter that kills, rather than the Spirit that vivifies.

A literalist reading, then, is not necessarily identical to an historicist reading, a reading *pro ratione temporis*; in fact, in some cases it is even boldly antagonistic. On the one hand, it rejects what we have seen to be the first procedure of historical interpretation: establishing the particularities that combine to reconstruct the historical context. On the other hand, as these same passages illustrate, it also rejects establishing what we might call a textual context, one that brings to bear on the meaning of a passage other relevant passages: as Erasmus puts it in the *Ratio*, "what precedes the passage in question and what follows it" (*quid praecesserit, quid consequatur*).¹¹ Further in keeping with these failures, as the next section argues, the literalist reading is also antagonistic to equity.

In contrast, a central characteristic of the historicist reading, again according to these same passages, is its responsiveness to equity (*aequitas*). The right kind of historical interpretation, as Erasmus conceives it, is analogous to the equitable judgment, where, to paraphrase the language of the *Annotationes*, there are cases where justice demands relaxing the rigor of the law.¹² To interpret historically, as we will see, is to interpret equitably.

II. HISTORICISM AND EQUITABLE INTERPRETATION

Erasmus's strategic identification of the historicist with the equitable interpretation is not wholly innovative, even if it does lend to the evolution of this alliance that special integration of Christian and classical assumptions so often epitomized by the Erasmian concept of *philosophia Christi*. The claims of Erasmian historicism, I would argue, look back to the ancient rhetorical tradition and, more precisely, to the discussions of *interpretatio scripti*—the interpretation of written documents—from that tradition.¹³ Not incidentally, these discussions focus on the interpretation of legal documents and single out as the first and most prevalent

"The Misconceived Quest," 223. Nevertheless, I am still inclined to think that *Scriptura* in this case is used metonymically for the *scriptor*, namely Moses, mentioned in the previous sentence, and that *mens*, like *voluntas*, but perhaps unlike *sensus* and even *sententia*, is a psychological category, necessarily implying human—or divine—agency (see note 24). In any case, Renaissance hermeneutics inherits from ancient rhetoric the double context for meaning, legal and stylistic, that motivates this confusion. On this double context see my "Hermeneutics and the Ancient Rhetorical Tradition," *Rhetorica* 5 (1987): 59-86. For the movement in contemporary hermeneutics away from intentionalist to textual meaning, see David Couzens Hoy, *The Critical Circle* (Berkeley: University of California Press, 1978).

11. *Ratio*, Holborn, 285-86.

12. *Annotationes*, LB, VI, 695F. Atqui hoc est quod his agimus, an huius legis rigor possit aliquo pacto laxari, quum saepe tales existant causae ut crudele videatur non subvenire periclitanti. Ibid.

13. See A. Arthur Schiller, "Roman Interpretatio and Anglo-American Interpretation and Construction," *Virginia Law Review* 27 (1941): 733-68; and my "Hermeneutics," 59-86.

ground of controversy the discrepancy between the words of the document and the intention of the drafter: what the manuals, such as the pseudo-Ciceronian *Ad Herennium*, Cicero's *De inventione*, and Quintilian's *Institutio Oratoria*, frequently refer to in shorthand as the controversy between *scriptum* and *voluntas*. In good lawyerly fashion, the advocate is advised to uphold the signification of the words themselves, the *scriptum*, whenever this supports his cause. Otherwise, he should argue for *voluntas*, the intention of the *scriptor*.¹⁴

When he upholds the claim of intention, he should also invoke the argument for equity over strict justice, an invocation that inevitably calls up on his side the testimony of that most formidable of authorities, Aristotle. For it is Aristotle who establishes the traditional association between equity and the principle of intentionality. In perhaps its most influential formulation in the *Rhetoric*, equity

bids us to be merciful to the weakness of human nature; to think less about the laws than about the man who framed them, and less about what he said than about what he meant; not to consider the actions of the accused so much as his intentions; nor this or that detail so much as the whole story.¹⁵

In other words, consider not what the lawgiver said—not his *scriptum*—but what he meant—his *voluntas*; not the action but the intention; not the part but the whole.

If these are the crucial characteristics of the equitable judgment according to Aristotle and the tradition that follows him, they are also the crucial characteristics, according to Erasmus, of reading *pro ratione temporis*. In the previously cited passage from the *Ratio*, for instance, Erasmus denounces any method that reads out of context, isolating for interpretation “four or five little words.”¹⁶ On the contrary, the interpretation of any part of Scripture must be judged in reference not only to the entire biblical text from which it comes but also to the whole of Scripture as the record of Christ's life and teaching:

In the same way, to use Scripture properly it is not enough to isolate four or five little words; rather one must investigate the sources of what is said. Frequently the meaning of a passage depends on what came before. It depends on who is speaking, to whom, when, on what occasion, with what words and in what frame of mind; what precedes the passage in question and what follows it. Only in the context of these questions can what is meant be understood from what is said. In this matter, there is the further rule that the meaning which we elicit from obscure words respond to the whole of

14. See, for example, Cicero *De inventione*, 2.40.116ff.

15. Aristotle *Rhetoric*, 1.13, 1374b10-16, trans. W. Rhys Roberts (New York: Random House, 1954), 81.

16. *Ratio*, Holborn, 285-86.

Christian doctrine, to the whole of Christ's life and finally to natural equity. . . . Here I should also mention the error of those who isolate from Scripture, in which diverse things are narrated according to the diversity of times, events and peoples, those details that serve their own desires, since no one understands human law without understanding each and every chapter.¹⁷

Drawing an analogy to legal interpretation, where no one law can be understood in isolation from the entire body of laws, Erasmus upholds for biblical interpretation the whole over the part. Only by interpreting in this way can we extract what is meant (*quid sibi velit*) from what is said (*quod dictum est*). Only thus can we read the *voluntas*—the noun form of *velle*—in the words themselves, the *scriptum*. Furthermore, the interpretation responsive to context in this sense will be equally responsive to natural equity (*ad aequitatem naturalem*).

The historicist reading, then, corresponds with equity, as a legal principle, in its commitment to the priority of both intentionality or *voluntas* over *scriptum* and the whole over the part. By upholding these priorities, the historicist reading also responds directly to what Erasmus calls here, in the annotation on 1 Cor. 7:39, and elsewhere, *aequitas naturalis*.¹⁸ But there is yet another point of contact, one which I introduced earlier and to which we must now return—decorum. For, as I claimed a moment ago, the historicist interpretation, while necessarily sensitive to the textual context, actually begins by reconstructing the historical context. This context is reconstructed by asking more or less the same set of questions that the orator asks in composing the decorous speech: who is speaking, to whom, when, on what occasion, and so on.

Decorum poses these questions in recognition of the inadequacy of any general rule of composition to accommodate fully the particularities of each individual oratorical occasion. And as Aristotle himself forges the analogy, what decorum provides for stylistic considerations equity provides for ethical considerations.¹⁹ Like decorum, equity constitutes the more flexible, qualitative measure that corrects the injustice inherent in the application of fixed, generalized rules of law to the infinite particularity of human action. The commitment of Erasmian historicism, then, to

17. Ibid.

18. See *Annotationes*, LB, VI, 695F, where precisely the meaning that is in conflict with equity demands contextualization in the ways discussed in this essay. For Erasmus's thinking about equity, see especially the adage, *summum ius summa iniuria*, LB, II, 374DE and CWE, 32, 244-45. Erasmus's reflection on the legal maxim "extreme law is extreme injustice" signals the longstanding conflation of equity with two traditions: first, the Roman tradition of natural law, and second, the Pauline reformulation of the unwritten law of the New Covenant engraved on the heart in opposition to that of the Old Covenant carved in stone. See also Guido Kisch, *Erasmus und die Jurisprudenz seiner Zeit* (Basel: Helbing & Lichtenhalm, 1960). On the ancient origins of *aequitas naturalis* see A. A. Schiller, *Roman Law* (The Hague: Mouton, 1978), 556-58.

19. See Wesley Trimpi, "Reason and the Classical Premises of Literary Decorum," *Independent Journal of Philosophy* 5-6 (1988): 103-11.

the particularities discovered through its opening questions binds it closely not only to decorum but to the equitable judgment.

III. HISTORICISM AND SPIRITUAL INTERPRETATION

Thus far I have concentrated on the rhetorical and legal origins of Erasmian historicism: its foundations in Roman *interpretatio scripti* and Aristotelian equity. What about the properly Christian sources as epitomized in the second term of *philosophia Christi* and reflected in Erasmus's accusation of the Judaizing interpreters mentioned earlier: that they read as literalists, according to the letter and not according to the Spirit? How does this terminology of spiritual and literal reading, so fundamental to the history of Christian hermeneutics, advance Erasmus's defense of historicism, a method of interpretation based, as we have seen, on ancient rhetorical and legal principles?

In a word, powerfully. For, to summarize here what I have elaborated elsewhere,²⁰ the very same Paul that Erasmus annotates was responsible for replacing the standard rhetorical formula, *scriptum/voluntas*—in his Greek, *rhēton* and *dianoia*—with another set of terms, *gramma* and *pneuma*. And he did so for the bona fide rhetorical motive of accommodating *his* audience: in this case, a large Jewish constituency for whom the substituted terms were already familiar. In the Latin of Erasmus, as well as of Augustine and Jerome, these Greek terms, *gramma* and *pneuma*, are translated *littera* and *spiritus*. The opposition between *literal* and *spiritual* interpretation, in other words, transplants to the new terrain of Christian hermeneutics the first ground of controversy from *interpretatio scripti*. By privileging the *voluntas* of the text over its *scriptum*, then, Erasmian historicism identifies itself as a matter of course with the spiritual, as opposed to the literal, interpretation.

CONCLUSION: ERASMIAN HISTORICISM AND DISSENT

Finally, we are ready to assess the force of Erasmus's claims for his interpretations of Scripture over and against those of his adversaries based on his method of reading. We are ready, that is, to return to the question of Erasmian historicism—interpretation *pro ratione temporis*—as an effective instrument of dissent.

Like any well-trained advocate, Erasmus knows the power of particularity.²¹ And it is precisely by grounding his reading of Paul's words to the women of Corinth in a particular time and place—by making it culture-specific, we might say—that he claims not only to recover its original meaning but, even more pointedly, to make it responsive to change.

20. Kathy Eden, "The Rhetorical Tradition and Augustinian Hermeneutics in *De doctrina christiana*," *Rhetorica* 8 (1990): 45-63.

21. See my *Poetic and Legal Fiction in the Aristotelian Tradition* (Princeton: Princeton University Press, 1986), esp. 69ff.

While these may sound like contradictory aims, they are nevertheless effectively reconciled in the equitable judgment and, as I have suggested, in the historicist reading. For, like the equitable judgment, the historicist interpretation articulates as fully as possible the individual, historical details in order to discover in these details the *voluntas* of the *scriptor*, thus inferring, to draw a further analogy to Aristotle's lawmaker, what that *scriptor*, faced with a different set of circumstances, would have decided.²²

Had Paul confronted not the particularities of first-century Corinth, which justify his position on divorce, but those of sixteenth-century Europe, he would have accommodated the cultural changes by appropriately changing his position. Or so Erasmus argues in the annotation on 1 Cor. 7:39:

Considering the circumstances of these cases now, Paul would very likely respond differently, relaxing the severity of his former judgments and, I think, interpreting his own words more leniently than we ourselves do.²³

Looking back on his past pronouncements, in other words, Paul himself would interpret these pronouncements equitably, thus teaching us how best to read them.

Erasmus also knows how to argue either side of the question, especially when the question pertains to controversial written documents. In keeping with the advice of the rhetorical manuals, Erasmus bases his dissent not on any disagreement with Paul but rather on a disagreement with the Church on how Paul should be read. While the Church, taking Paul literally, reads only his words, his *scriptum*, Erasmus, by implication if not by open argument, reads Paul spiritually, for his *voluntas* or intentions. To put the matter bluntly, then, Erasmian historicism is an effective instrument of dissent in large part because of its origins in the rhetorical training of these manuals and, more especially, in their conventions for forensic debate.

By reading Paul in this way—and here I will conclude—Erasmus also strategically aligns himself with another dissenter, one who, according to Erasmus's own reading of Scripture, not only deviates from the authorities on the issue of divorce but bases his justification for dissent on his method of interpretation. That dissenter is Jesus. And as Erasmus

22. Aristotle *Nicomachean Ethics*, 5.10, 1137b20-24, trans. Terence Irwin (Indianapolis: Hackett, 1985), 144-45. "Hence whenever the law makes a universal rule, but in this particular case what happens violates the [intended scope of] the universal rule, here the legislator falls short, and has made an error by making an unconditional rule. Then it is correct to rectify the deficiency; this is what the legislator would have said himself if he had been present there, and what he would have prescribed, had he known, in his legislation." Ibid.

23. *Annotationes*, LB, VI, 701E. [F]ortassis pro causae circumstantiis aliud responderet Apostolus, & nonnihil relaxaret de rigore consilii superioris, suaque scripta civilius, opinor, nobis interpretaretur, quam nos interpretamur. Ibid.

retells the episode in his *Paraphrase on Mark*,²⁴ Jesus controverts the Pharisaical interpretation of Deuteronomy 24:1-3 concerning divorce precisely by upholding the intention—again the *mens*—of the lawgiver:

“These words [Gen. 2:24] plainly declare that divorce did not please God, or he would have rescinded what he had at first instituted. But Moses went beyond God’s wish in permitting repudiation, making concessions for the time being to your hard hearts, considering adultery a lesser crime than parricide. If you approve of Moses’ forbearing, be aware of the reason that obliged him to be forbearing. Let man not tear asunder what God himself in the beginning joined in marriage in such a manner as to make it indivisible. Rid your hearts of hardness and there will be no need and no place for divorce.”²⁵

Like the Paul of the *Annotationes*, in other words, the Moses of the *Paraphrase* (both, needless to say, Erasmian constructions) speaks his words with full awareness of their appropriateness to a specific historical moment. Moses speaks his words concerning divorce, that is, *pro ratione temporis*, according to the standards of *his* time. And so Jesus, also an Erasmian construction, interprets these words.

Of course, Jesus, the dissenter, uses this method of interpretation before the Pharisees to argue *against* divorce—an historical twist that out of context might lead us to interpret Erasmus’s comparable gesture in the *Annotationes* for divorce as paradoxical or even subversive. In context, however, at least in the context of ancient forensic debate that I have tried to outline here so briefly, we should probably read not only Erasmus’s dissent but also the interpretive strategy that advances this dissent as grounded in Erasmus’s more spiritual, we might also say equitable—and we might even say historicist—understanding of *imitatio Christi*.

24. *Paraphrasis in Marcum*, LB, VII, 233AF; CWE 49, 121-23.

25. *Paraphrasis in Marcum*, CWE, 49, 122.

